

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ALAN MERRIFIELD, et al.,

No. 04-0498 MMC

12 Plaintiffs,

**ORDER STRIKING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
WITHOUT PREJUDICE TO REFILING;  
SETTING BRIEFING SCHEDULE;  
VACATING TRIAL DATE**

13 v.

14 BILL LOCKYER, et al.,

15 Defendants

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17 Before the Court is defendants' response to the Court's order, filed May 9, 2005,  
18 directing defendants to show cause why defendants' motion for summary judgment should  
19 not be stricken for failure to comply with Civil Local Rule 7-2(b).

20 Having reviewed defendants' response, the Court finds defendants have failed to  
21 show good cause for the filing of an oversized motion. Accordingly, defendants' motion for  
22 summary judgment is hereby STRICKEN, without prejudice to defendants' refiling a motion  
23 for summary judgment that comports with the limitations set forth in Civil Local Rule 7-2(b).

24 In light of the parties' representations that plaintiff's claims can be resolved by cross-  
25 motions for summary judgment without the need for a court trial, the Court hereby sets the  
26 following briefing schedule:

- 27 1. Defendants shall file a motion for summary judgment no later than May 20, 2005.  
28 2. The parties shall file oppositions no later than June 3, 2005.

- 1       3. The parties shall file replies no later than June 10, 2005.
- 2       4. The hearing on the motions will be conducted on June 24, 2005, at 9:00 a.m.
- 3       5. The July 5, 2005 trial date is hereby VACATED.

4       **IT IS SO ORDERED.**

5              Dated: May 12, 2005

6              /s/ Maxine M. Chesney  
7              MAXINE M. CHESNEY  
8              United States District Judge

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